

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

CR05-40016

Plaintiff,

GOVERNMENT’S MOTION IN LIMINE
REGARDING REFERENCE TO PENALTY
OR PUNISHMENT

vs.

REYES FABIAN OLIVERA-MENDEZ and
SERJIO RUELAS,

Defendants

Comes now the United States of America, by and through Assistant United States Attorney John E. Haak, and submits the following Motion in Limine for consideration by the Court.

The government moves the Court in limine for an order precluding the defendants, their attorneys, or any witnesses from making any comment or reference, whether direct or indirect, to penalty or punishment in this case. By this motion, the government seeks to preclude any reference to penalty or punishment at any point in the trial, but in particular, if the defendants choose to testify, to preclude any questioning related to their “future plans.” Penalty, punishment, or *ramifications or consequences* following imposition of punishment are not relevant in this case. This issue is not within the purview of the jury and should not be referred to either directly or indirectly by either party. *United States v. Thomas*, 895 F.2d 1198 (8th Cir. 1990).

Dated and electronically filed this 14th day of June, 2005.

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/s/ JOHN E. HAAK
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 14th day of June, 2005, a true and correct copy of the foregoing was served upon the following person(s), by placing the same in the service indicated, addressed as follows:

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/s/ JOHN E. HAAK
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